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417 SOUTH KING STREET, ROOM 206C • ALI'IOLANI HALE • HONOLULU, HAWAII 96813-2902

TELEPHONE (808) 539-4909 • FAX (808) 539-4801 • www.courts.state.hi.us

Thomas R. Keller
ADMINISTRATIVE DIRECTOR

Walter M. Ozawa
DEPUTY ADMINISTRATIVE DIRECTOR

Susan Pang Gochros
DIVISION CHIEF, INTERGOVERNMENTAL
AND COMMUNITY RELATIONS DIVISION

Marsha E. Kitagawa
PUBLIC AFFAIRS DIRECTOR

NEWS RELEASE

For Media Release: September 23, 2003

COMMENT WANTED ON PROPOSAL TO AMEND HAWAII RULES OF PENAL PROCEDURE

The Supreme Court of Hawai'i seeks public comment about proposals to amend Rules 32(c) and 44(b) of the Hawai'i Rules of Penal Procedure (HRPP).

In light of [State of Hawai'i v. Alicia Bohannon](#), No. 24095 (Slip Op. 08/21/2003), the supreme court proposes to reconcile Rules 32(c) and 44(b) of the Hawai'i Rules of Penal Procedure with Rule 4(b)(3) of the Hawai'i Rules of Appellate Procedure. The proposed amendments would require the district court clerk to enter a written judgment in criminal cases if a notice of appeal is filed. The proposed rule amendments are as follows (additions are underlined).

1. RULE 32. SENTENCE AND JUDGMENT

* * *

(c) Judgments.

(1) In the Circuit Court. A judgment of conviction in the circuit court shall set forth the plea, the verdict or findings, and the adjudication and sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk. The filing of the judgment in the office of the clerk constitutes the entry of the judgment.

(2) In the District Court. A judgment of conviction in the district court shall set forth the disposition of the proceedings and the same shall be entered on the record of the court. The notation of the judgment by the clerk on the calendar constitutes the entry of the judgment; provided that, if a notice of appeal is filed, the clerk shall, within 10 days thereafter, sign and file in the record a written judgment setting forth the offense(s) for which the Defendant was convicted and the disposition.

2. RULE 44. SETTLEMENT OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; ENTRY OF ORDER

* * *

(b) In the District Court.

(1) After the decision or ruling of the court following a hearing on a motion, the clerk shall note the decision or ruling on the calendar. The notation of the decision or ruling on the calendar shall constitute the order and the entry thereof, provided that, if a notice of appeal is filed, the clerk shall, within 10 days thereafter, sign and file in the record a written order concerning the disposition of any event from which the State may appeal.

(2) Where the court orders preparation of findings of fact, conclusions of law and order, the findings, conclusions and order shall be prepared and settled as provided for in subsection (a) of this rule. The filing of the findings, conclusions and order in the office of the clerk shall constitute entry of the order.

Comments about the proposed amendments to HRPP 32(c) and 44(b) should be submitted in writing **no later than December 1, 2003** to the Judiciary Public Affairs Office, 417 South King Street, Honolulu, Hawai'i, 96813; by facsimile to (808) 549-4801; or via the Judiciary website at www.courts.state.hi.us.

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Contact: Marsha E. Kitagawa
Phone: 539-4909